

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In Re:

Mark Christian,

Debtor.

Chapter 13

Case No. 19-56979 - SMS

Nationstar Mortgage LLC d/b/a Mr. Cooper,
its successors or assigns,

Movant,

Contested Matter

V.

Mark Christian, Debtor, and Mary Ida
Townson, Chapter 13 Trustee,

Respondents.

**NOTICE OF REQUIREMENT OF RESPONSE TO MOTION FOR APPROVAL OF
MORTGAGE PAYMENT FORBEARANCE AGREEMENT; OF DEADLINE FOR
FILING RESPONSE; AND OF HEARING**

PLEASE TAKE NOTICE that Nationstar Mortgage LLC d/b/a Mr. Cooper, in the above-referenced case, has filed a Motion for Approval of Mortgage Payment Forbearance Agreement.

Given the current public health crisis, hearings may be telephonic only. Please check the "Important Information Regarding Court Operations During COVID-19 Outbreak" tab at the top of the GANB Website prior to the hearing for instructions on whether to appear in person or by phone.

Your rights may be affected. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in these pleadings, or if you want the court to consider your views as to why the Motion should not be granted as filed, then on or before **September 7, 2020**, you or your attorney must (1) file with the Court a written response, explaining your positions and views as to why the Motion should not be granted. The written response must be filed at the following address: *Clerk, United States Bankruptcy Court, Room 1340 United States Courthouse, Richard B. Russell Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303*. If you mail your response to the Clerk for filing, you must mail it early

enough so that the Clerk will **actually receive** it on or before the date stated above. (2) mail or deliver a copy of your written response to the Movant's attorney at the address stated below. You must attach Certificate of Service to your written response stating when, how, and on whom (including addresses) you served the response.

If you or your attorney do not file a timely response, the Court may decide that you do not oppose the relief sought, in which event the hearing scheduled below may be cancelled and the Court may enter an order disallowing your claim as requested without further notice and without a hearing.

If you or your attorney file a timely response, then a hearing will be held in Courtroom 1201, United States Courthouse, 75 Ted Turner Drive S.W., Atlanta, GA 30303 4at 10:00 AM on September 15, 2020. You or your attorney must attend the hearing and advocate your position.

Date: August 18, 2020

Shapiro Pendergast & Hasty, LLP

/s/ Lucretia L. Scruggs

Lucretia L. Scruggs

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**MOTION FOR APPROVAL OF MORTGAGE PAYMENT FORBEARANCE
AGREEMENT**

COMES NOW the Movant, Nationstar Mortgage LLC d/b/a Mr. Cooper, for itself, its successors and assigns, by and through its undersigned counsel, and alleges as follows:

1.

The Court has jurisdiction over this matter pursuant to FRBP 4001(d), and the various other applicable provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the laws of the United States of America.

2.

Mark Christian (hereinafter "Debtor") filed this proceeding under Chapter 13 of the Bankruptcy Code on May 4, 2019 and remains in possession of the subject property under a plan of arrangement confirmed by this Court.

3.

Movant is the holder or servicer of a loan secured by certain real property now or formerly known as 624 Victoria Lane, Woodstock, GA 30189, in Cherokee County, GA.

4.

Movant alleges that the Debtor recently contacted Movant requesting a forbearance period of four (4) months and has elected to not tender mortgage payments to Creditor that would come due on the mortgage starting 08/01/2020 through 11/01/2020. On June 8, 2020, movant filed NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER'S NOTICE OF DEBTOR'S REQUEST FOR FORBEARANCE DUE TO THE COVID-19 PANDEMIC.

5.

The parties have communicated and come to a proposed agreement as follows: Debtor's post-petition delinquency at the time the forbearance ends on November 30, 2020 will total \$4,366.90, consisting of the suspended forbearance payments for August 1, 2020 through November 1, 2020 at \$997.60 each and attorney fees at \$500.00, minus suspense in the amount of 123.50.

6.

Upon expiration of the forbearance period, Movant shall file a Supplemental Proof of Claim to include the balance of said post-petition arrearage in the amount of \$4,366.90, which shall be paid as a secured claim. Debtor shall file a modified plan if required by the Chapter 13 Trustee. Debtor's regular monthly mortgage payments shall resume with the payment due December 1, 2020. In the event that the regular monthly mortgage payment changes, Debtor shall pay the modified payment amount on the first (1st). Creditor reserves it rights to seek relief

from the automatic stay upon expiration of the forbearance period if Debtor does not comply with the Order as agreed.

7.

Movant requests the Court approve the stipulated agreement for Forbearance of Mortgage payments. Movant believes that the proposed Agreement is in the best interest of all concerned parties.

WHEREFORE, Movant respectfully prays to the Court as follows:

- (1) That the Motion is reviewed and that an Order is entered Approving the Forbearance of Mortgage payments entered into by the parties, and
- (2) For such other and further relief as this Court deems necessary and appropriate.

Date: August 18, 2020

Shapiro Pendergast & Hasty, LLP

/s/ Lucretia L. Scruggs

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within Notice of Requirement of Response was served, together with a copy of the **MOTION FOR APPROVAL OF MORTGAGE PAYMENT FORBEARANCE AGREEMENT** filed in this bankruptcy matter via electronic mail notice to parties, and their representatives, who are ECF Filers and Consent Users, or by depositing a copy of same in the United States Mail, postage prepaid, all other interested parties at the indicated addresses as follows:

Mark Christian
624 Victoria Lane
Woodstock, GA 30189

Susan S. Blum
Ginsberg Law Offices, PC
blumlawfirm@gmail.com

Mary Ida Townson
Chapter 13 Trustee
courtdailysummary@atlch13tt.com

Date: August 18, 2020

Shapiro Pendergast & Hasty, LLP

/s/ Lucretia L. Scruggs
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